C24 No. 26 of 2007

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner.

By means of this petition, moved under Section 24 of the Code of Civil Procedure, 1908, the petitioner has sought transfer of Matrimonial Case No. 337 of 2007, Virendra Kumar Vs. Smt. Poonam, pending in the Court of Principle Judge, Family Court, Dehradun, to the Court of Additional Judge, Family Court, Roorkee.

Brief facts of the case are that petitioner is wife of respondent Virendra Kumar, who is facing trial in a case instituted by her husband under Section 9 of Hindu marriage Act, 1955, for restitution of conjugal rights. Said case is registered as Suit No.337 of 2007. It is stated in this transfer application by the petitioner that she being lady has difficulty in attending the Court at Dehradun. It is argued on behalf of the petitioner that respondent Virendra Kumar is posted in Bokaro, and he has no difficulty to attend the Court at Roorkee.

Notices were issued to respondent Virendra Kumar, but no response is filed on his behalf to contest this petition. In the circumstances, this Court has no reason not to accept the averments made by the present petitioner (Smt. Poonam). It appears that there are some litigations also instituted by the wife (Smt. Poonam), against the respondent in the Courts at Roorkee.

Having heard learned counsel for the petitioner and after going through the papers on record, the application moved under Section 24 of the Code of Civil Procedure, 1908 is allowed. The matrimonial Case No. 337 of 2007, Virendra Kumar Vs. Smt. Poonam, pending in the Court of Principal Judge, Family Court, Dehradun, is hereby transferred to the Court of Additional Judge, Family Court, Roorkee, for further trial and disposal.

(Prafulla C. Pant, J.)

05.12.2007

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